

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-25277 - APPLICANT/OWNER: INVESTMENT SOLUTIONS, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25278), and Site Development Plan Review (SDR-25276) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow 53 parking spaces where Title 19.04.010 requires a total of 80 parking spaces for the Office, Other Than Listed use. The proposed two-story, 23,941 square-foot building has parking spaces of surface parking and spaces of subterranean parking on a 1.04 acre site generally located at the southeast corner of Red Coach Avenue and Balsam Street.

Because this issue stems from the overbuilding of the site and the resulting shortage of provided off-street parking, staff has determined this to be a self-imposed hardship; therefore, staff recommends denial of this Variance request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no previous City actions recorded against this property generally located at the southeast corner of Red Coach Avenue and Balsam Street.	
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses recorded against this property.	
<i>Pre-Application Meeting</i>	
10/01/07	A pre-application meeting was held with staff regarding the Rezoning and Site Development Review for a 1.04 acre parcel to develop an office building. Staff recommended completing a Variance request for a parking deficiency, as the applicant was unable to secure a shared parking agreement with the neighboring church.
<i>Neighborhood Meeting</i>	
11/15/07	<p>The applicant held a neighborhood meeting at the Cimarron Rose Community Center located at 5591 N. Cimarron Road, Las Vegas, Nevada on Thursday, November 15, 2007 at 6:00 pm. The meeting was attended by 11 people and the following questions and comments were made:</p> <ul style="list-style-type: none"> • Widen Red Coach Avenue. • Two-story office but only one company in the building. • Will they close Balsam Street at Lone Mountain Road? • Construction anticipated in six to nine months. • Why require landscaping with drought? • No traffic on Balsam Street.

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Field Check	
11/15/07	<p>A field check was performed by staff with the following observations:</p> <ul style="list-style-type: none"> • Undeveloped one acre lot located adjacent the rear of a church. • Unincorporated rural one-acre lots across the Red Coach Avenue and Balsam Street on the north and west. • Existing six-foot screen wall along side property line adjacent to church. • Generally flat lot with no discernible change in grade.

Details of Application Request	
Site Area	
Net Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	U (Undeveloped)
North	Single Family Residence	O (Office)	Unincorporated Clark County
South	Undeveloped	O (Office)	U (Undeveloped)
East	Church	O (Office)	U (Undeveloped)
West	Single Family Residence	O (Office) – Unincorporated Clark County	Unincorporated Clark County

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

- **A-O (Airport Overlay) District**

The proposed two-story office building has a finished height of 35 feet. Staff finds that this proposal will not adversely affect the 175-foot height restriction placed by the Airport Overlay District.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	23,941	1:300 SF GFA	76	4*	53	3	N
TOTAL (including handicap)			80 spaces		56 spaces		N
Percent Deviation					30%		N*

**A condition of approval has been placed on the accompanying Site Development Plan Review (SDR-25276) to provide revised site plans showing the addition of one handicapped parking space for a total of four handicapped parking spaces.*

ANALYSIS

The applicant is requesting a Variance to allow 56 parking spaces where Title 19.04.010 requires a total of 80 parking spaces for a 23,941 square-foot office building, at a calculated deviation from standard of approximately 30%. The total parking requirement is based upon the provision of one parking space per 300 square feet of gross floor area for the Office, Other than Listed use. Per Title 19.10.010(G), four handicapped parking spaces are to be provided for uses requiring 76 - 100 parking spaces. The provided site plans show only three spaces where four spaces are required, with one space meeting the van accessible requirement. Staff has placed a condition of approval on the accompanying Site Development Plan Review (SDR-25276) request to provide revised site plans showing an additional handicapped parking space per the Title 19.10.010(3) Handicapped Parking Design Standards. This should not adversely affect this proposal, as there is adequate space for an additional handicapped parking space located at the area where the three handicapped spaces are shown.

The provided off-street parking is divided between a surface parking lot and a subterranean parking area, with the surface parking lot providing 21 parking spaces and the remaining 45 spaces located below grade. With the current layout of 56 parking spaces, the applicant could propose an alternative design scheme that would allow for 16,800 square feet of office space.

Due to the increase in the existing building size and the lot constraints, staff is unable to support this request, as the applicant has created a self-imposed hardship.

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by overdeveloping the subject site. An alternative design scheme consisting of a 16,800 square-foot office building would allow conformance to the Title 19.04 requirements and utilize the 56 provided parking spaces. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 106

APPROVALS 0

PROTESTS 1